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| 10/696,972      | 10/30/2003  | Carsten Sorensen     | 305537.01           | 8498             |

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| EXAMINER |
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STRODER, CARRIE A

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3689

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10/12/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/696,972 | <b>Applicant(s)</b><br>SORENSEN, CARSTEN |  |
|                              | <b>Examiner</b><br>CARRIE A. STRODER | <b>Art Unit</b><br>3689                  |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>01 Sep 10</u> . | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

1. This is in response to the applicant's communication filed on 01 September 2010, wherein:

Claims 1-20 are currently pending;  
claims 1 and 11 are currently amended; and  
claims 21-35 are cancelled.

***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 01 September 2010 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Claim Rejections - 35 USC § 112***

1. **The following is a quotation of the first paragraph of 35 U.S.C. 112:**

**The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.**

2. **Claims 1-10 and 19-20 are rejected** under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed

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invention. Examiner has reviewed applicant's disclosure and submits that these added limitations find no support in the specification as currently written, and is, therefore, directed to new matter.

a. Claim 1: "each entry including identification information related to the RFQ with which it is associated" is not described in the specification as written. Examiner reviewed the specification, and did not find the quoted element, particularly 'identification information'.

b. Claim 1: "wherein the identification information for each entry in the index is provided to the index by the RFQ generator that generated the RFQ with which the entry is associated" is not described in the specification as written. Examiner reviewed the specification, particularly page 20, lines 4-21 and did not find the quoted element.

c. Claim 1: "by providing information requested in an RFQ template associated with the retrieved RFQ" is not described in the specification as written. Examiner reviewed the specification (particularly the passage cited by applicant in the Remarks of 25 May 2010 from page 24 of the specification) and found that

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the specification does not suggest the "associating" aspect of the quoted element.

d. Claim 19: "the indexing information being provided by an RFQ generator at the requester that generated the RFQ" is not described in the specification as written. Examiner reviewed the specification (particularly the passage beginning at page 20, line 4, as recited by applicant) and did not find the quoted element.

e. Claims 2-10 and 20 are rejected as dependent upon claims 1 and 20.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-6, 8-12, 15, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hajmiragha (US 6289460), in view of Beran et al. (US 20020055888).**

**Referring to claim 1:**

Hajmiragha teaches

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using the processor at the replier to access an index by executing processor instructions, wherein the index is stored in a first data store on a remotely located computer storage media having one entry for each of a plurality of RFQs, each entry including identification information related to one of the RFQs with which it is associated, each of the RFQs being generated by an RFQ generator at one of a plurality of requests and stored at one of a plurality of data stores remotely located from the first data store (col. 2, line 50 thru col. 3, line 28 & col. 10, lines 16-19; where "the document manager allows search against the content of a document as well as the document attributes" implies each entry includes identification information related to one of the RFQ's and where "document" is interpreted to include RFQ's and "...the remote storage includes multiple distributed remotely located storage components...");

using the processor to identify an RFQ for reply, by selecting an entry in the index, including identifying, from information in the selected index entry, a second data store in which the identified RFQ is stored from one of the plurality remotely located data stores (col. 10, lines 16-

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19 & col. 7, lines 11-21; where it is implied that the location of the document is identified); and

using the processor to retrieve the identified RFQ from the second data store (col. 5, lines 1-14; "users allow other interested parties access to read-only archived documents while maintaining security and control").

Hajmiragha discloses a document management system. Hajmiragha does not disclose wherein the identification information for each entry in the index is provided to the index by the RFQ generator that generated the RFQ and stored the RFQ at one of the plurality of data stores remotely located from the first data store with which the entry is associated and using the processor to generate a reply to the retrieved RFQ by providing information requested in an RFQ template associated with the retrieved RFQ.

However, Beran teaches a similar system that handles documents for requisitioning goods and services. Beran teaches

wherein the identification information for each entry in the index is provided to the index by the RFQ generator that generated the RFQ and stored the RFQ at one of the plurality of data stores (paragraphs 22 and 26; "The agency

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requisitioner module 208 enables the user to produce and transmit a request for the purchase of particular goods and services." and "The commerce system 100 allows an agency to retain its own document numbering system by performing translations to and from the system's internal indexing scheme. For example, where an agency's designation for the first RFQ of the year 1999 may be "RFQ990001," the system will in real-time translate such entered document designations into its own index, such as "Q1999000001."); and

using the processor at the replier to generate a reply to the retrieved RFQ by providing information requested in an RFQ template associated with the retrieved RFQ (paragraph 60; "the vendor completes a response data page 700. Preferably, this page prompts the vendor to enter a price for the goods or services requested and any comment that the vendor desires to include regarding any desired transaction terms." where the "response data page" is interpreted as an RFQ template and "The vendor response data is then stored in an RFX Response Detail record, which collects all of the vendor responses 704. This new record is linked with the original RFX record by the original RFX record reference number.").



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It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the system disclosed in Hajmiragha to incorporate wherein the identification information for each entry in the index is provided to the index by the RFQ generator that generated the RFQ and stored the RFQ at one of the plurality of data stores remotely located from the first data store with which the entry is associated and using the processor to generate a reply to the retrieved RFQ by providing information requested in an RFQ template associated with the retrieved RFQ as taught by Beran because this would provide a manner for directing what the replies to the RFQ's should include, thus aiding the client by providing the desired information.

Hajmiragha and Beran disclose the claimed invention except for the location of the RFQ generator, specifically, that RFQ generator is resident at one of a plurality of requestors, and where the RFQ is stored at one of the plurality of data stores remotely located from the first data store with which the entry is associated. It would have been obvious to a person having ordinary skill in the art at the time of the invention, to have the generator present at one of the plurality of requestors and to have

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the RFQ remotely stored, as there are only a limited number of choices at which to place the generator and the data store - either at the requestor, at the requestee, or at a third party - since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

**Referring to claim 2:**

Hajmiragha discloses  
filtering entries in the index of RFQ's based on  
supplier filter criteria to create a subset of entries that  
meet the supplier filter criteria (col. 10, lines 16-22);  
and

selecting the index entry from the subset of entries  
(col. 10, lines 16-22; where it is implied that an entry is  
selected from the subset).

**Referring to claim 3:**

Hajmiragha discloses after retrieving the RFQ, using  
the processor to apply detailed supplier filter criteria to  
the retrieved RFQ based on a content of the retrieved RFQ  
(col. 10, lines 16-22).

**Referring to claim 4:**

Beran teaches

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generating a reply to the retrieved RFQ only if it meets the detailed supplier filter criteria (paragraphs 57 and 60; "The system then filters the set of vendors according to their profiles and the basic NIGP code specified in the RFXs to determine the subset of vendors that will receive a notification regarding a particular RFX 610." and "First, with the receipt of the e-mail notification, the vendor completes a response data page 700. Preferably, this page prompts the vendor to enter a price for the goods or services requested and any comment that the vendor desires to include regarding any desired transaction terms. Once the response page is completed, the vendor can submit the data as its bid.").

**Referring to claim 5:**

Beran teaches

using the processor to transmit the reply to the requester that generated the retrieved RFQ (paragraph 61; "The buyer has the option of viewing the vendor responses, including vendor line item instructions and comments, scanning the database for the award history corresponding to a particular vendor that responded, and sending a personalized e-mail to a vendor contact.").

**Referring to claim 6:**

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Hajmiragha discloses

generating the reply comprises accessing the content of the retrieved RFQ (col. 6, lines 37-59; where "review" implies that the content of the RFQ is accessed);

and generating the reply based on the content of the RFQ (col. 6, lines 37-59; where "approval" and "collaboration" imply that the reply is based upon the contents of the document).

**Referring to claim 8:**

Hajmiragha discloses accessing the index over a global computer network (col. 2, lines 51-55; where "internet" is interpreted as a global computer network).

**Referring to claim 9:**

Hajmiragha discloses retrieving the identified RFQ from the data store at the requester over a global computer network (col. 5, lines 1-14).

**Referring to claim 10:**

Beran teaches

prior to accessing the index, using the processor to provide supplier registration information to a registration component (paragraph 16; "The software system implementation includes an agency registration module 200, a vendor registration module 202, a login module 204, an

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agency system administrator module 206, an agency requisitioner module 208, an agency buyer module 210, an agency approver module 212, a vendor access module 214 and a batch module 216."); and

using the processor to download a reply engine, the reply engine accessing the index (paragraph 60; where it is inherent in using the "response data page" that the information be downloaded).

**Referring to claim 11:**

Hajmiragha discloses

using the processor to save the document at a predetermined location in a data store local to a computer system at the requester, such that the document is exposed for downloading to a supplier for generation of a reply (col. 7, lines 10-21; "The external document is indexed once and access to the external document is managed by the document manager 21 using the Access Control List facilities."); and

using the processor to send indexing information related to the document to an index remote from the computer system of the requester when the document is saved at the data store local to the requestor without prompting from the remote index, wherein the remote index is

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accessible by one or more supplier computer systems, wherein each index entry identifies a document for which the requestor thereof solicits a response, and wherein the indexing information identifies the data store where the document is stored (col. 7, lines 10-21; "The external document is indexed..." and "...access speed to documents externally stored in a repository...").

Hajmiragha discloses a document management system. Hajmiragha does not disclose where a document is an RFQ template and entering the job information into a predetermined RFQ template.

However, Beran teaches a similar system that handles documents for requisitioning goods and services. Beran teaches

where the document is an RFQ template (paragraph 27; "As shown in FIG. 4, a requisitioner first enters request document data on an HTML header page that has been provided to the user/requisitioner 400. The software enabling the entry of request document data is part of the agency requisitioner module 208. The request document header data for entry preferably includes a reference number for the request document and a confirming number" and where the "HTML header page" is interpreted as a template), and

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entering the job information into a predetermined RFQ template (paragraph 27; "As shown in FIG. 4, a requisitioner first enters request document data on an HTML header page that has been provided to the user/requisitioner 400. The software enabling the entry of request document data is part of the agency requisitioner module 208. The request document header data for entry preferably includes a reference number for the request document and a confirming number" and where the "HTML header page" is interpreted as a template).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the system disclosed in Hajmiragha to incorporate where a document is an RFQ template and entering the job information into a predetermined RFQ template as taught by Beran because this would provide a manner for directing what the replies to the RFQ's should include, thus aiding the client by providing the desired information.

**Referring to claim 12:**

Beran teaches

prior to entering the job information, providing supplier registration information to a registration

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component (paragraph 16; "The software system implementation includes an agency registration module 200, a vendor registration module 202, a login module 204, an agency system administrator module 206, an agency requisitioner module 208, an agency buyer module 210, an agency approver module 212, a vendor access module 214 and a batch module 216.").

downloading an RFQ generation engine, the RFQ generation engine sending the indexing information (paragraphs 22-26; where it is inherent in using the "HTML header page" that the information be downloaded).

**Referring to claim 15:**

Beran teaches receiving a reply to the RFQ template from a supplier (paragraph 60; "...the vendor can submit the data as its bid").

**Referring to claim 19:**

Hajmiragha discloses using the processor to receive indexing information for each document from the requester without prompting from the requester, the indexing information being indicative of the document stored at a requester data store local to a computer system at the requester (col. 7, lines 10-21 and Fig. 1; "An external document is a document not residing



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with the document manager 21." and where it is understood that when creating a document, a user may choose to save it at the client computer); and

using the processor to enter an entry in the index by executing instructions with the processor in a data store on a computer storage media remote from the requester computer system for each document based on the index information, the entry being indicative of a category of a corresponding document on the requester data store, the index being exposed to access by suppliers (col. 7, lines 10-21 and col. 6, lines 9-19 and Fig. 1; "An external document is a document not residing with the document manager 21. The external document is indexed once and access to the external document is managed by the document manager 21 using the Assess Control List facilities." and where "content indexing" is interpreted to include an entry indicative of a category of a corresponding RFQ).

Hajmiragha discloses a document management system. Hajmiragha does not disclose where the document is an RFQ.

However, Beran teaches a similar system that handles documents for requisitioning goods and services. Beran teaches where the document is an RFQ (paragraph 22).

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It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the system disclosed in Hajmiragha to incorporate where a document is an RFQ template and entering the job information into a predetermined RFQ template as taught by Beran because this would provide a manner for directing what the replies to the RFQ's should include, thus aiding the client by providing the desired information.

Hajmiragha and Beran disclose the claimed invention except for the location of the RFQ generator, specifically, that the RFQ generator is at the requestor. It would have been obvious to a person having ordinary skill in the art at the time of the invention, to have the generator present at the requestor, as there are only a limited number of choices at which to place the generator - either at the requestor, at the requestee, or at a third party - since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

**Referring to claim 20:**

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Hajmiragha teaches for each entry in the index, including filter criteria accessible by the suppliers to identify RFQs for reply (col. 10, lines 16-22).

Further, "to identify RFQs for reply" is a statement of intended use. Statements of intended use do not limit the scope of a claim or claim limitation. See MPEP 2106.

**3. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hajmiragha (US 6289460) in view of Han et al. (US 20020052807).**

**Referring to claim 13:**

Hajmiragha and Beran do not teach; however, Han teaches

entering requester filter criteria indicative of suppliers authorized to reply to the RFQ template (paragraph 94; "participant defines which suppliers are to receive the new RFQ packet").

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Hajmiragha and Beran as taught by Han because this would provide a manner in which to filter suppliers so that replies are generated only by suppliers who meet the standards of the buyer, thereby reducing wasted time and/or effort of the buyers and suppliers.

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**Referring to claims 14:**

Hajmiragha and Beran do not teach; however, Han teaches sending requester filter criteria indicative of suppliers authorized to reply to the RFQ template (paragraph 94; "participant defines which suppliers are to receive the new RFQ packet").

**4. Claims 7 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hajmiragha (US 6289460) in view of Beran et al. (US 20020055888), and further in view of Heimermann et al. (US 7110976).**

**Referring to claim 7:**

Hajmiragha and Beran do not teach; however Heimermann teaches automatically generating the reply based on the content of the RFQ (paragraphs 181-182).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Hajmiragha and Beran as taught by Heimermann because this provides a more cost effective supplier sourcing system.

**Referring to claims 16:**

Hajmiragha and Beran do not teach; however Heimermann teaches entering award criteria indicative of criteria

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considered in awarding a job corresponding to the RFQ to a supplier (paragraph 183).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Hajmiragha and Beran as taught by Heimermann because this provides a more cost effective supplier sourcing system.

**Referring to claim 17:**

Hajmiragha and Beran do not teach; however Heimermann teaches

evaluating the received reply based on the award criteria (paragraph 183); and

suggesting a winning supplier based on the evaluation of the award criteria (paragraph 183).

**Referring to claim 18:**

Hajmiragha and Beran do not teach; however Heimermann teaches weighting the award criteria according to a predetermined weight (paragraph 183; the system primarily makes awards based on price, but also "factors in" other considerations, which necessarily requires assigning a predetermined weight to the considerations).

***Response to Amendment***

1. The amendment filed 05 May 2009 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

- a. Claim 1: "each entry including identification information related to the RFQ with which it is associated"
- b. Claim 1: "wherein the identification information for each entry in the index is provided to the index by the RFQ generator that generated the RFQ with which the entry is associated"
- c. Claim 1: "by providing information requested in an RFQ template associated with the retrieved RFQ"
- d. Claim 19: "the indexing information being provided by an RFQ generator at the requester that generated the RFQ"

Applicant is required to cancel the new matter in the reply to this Office Action.

***Response to Arguments***

Applicant's arguments filed 01 September 2010 have been fully considered but they are not persuasive.

Claim Rejections under 35 USC 112

Applicant argues that the specification discloses the recited features and cites several passages from the specification in an attempt to persuade Examiner. Examiner respectfully disagrees with applicant. The cited claim language just is not present.

Claim Rejections under 35 USC 103

In regards to claim 1, applicant argues that the prior art references do not disclose that the RFQ generator is resident at one of a plurality of requestors, and where the RFQ is stored at one of the plurality of data stores remotely located from the first data store with which the entry is associated. As is discussed in the rejection, supra, this is obvious (see above for full explanation).

In regards to claim 11, applicant argues that Hajmiragha does not teach that a computer system at a requester generates and stores an RFQ in a local data store and sends indexing information for the RFQ to a remote index. Examiner respectfully disagrees. Examiner emphasizes that the claim language states that the index is

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remote from the requestor. Fig. 1 of Hajmiragha shows that the Document Manager 21 is remote from the client 22.

Hajmiragha states that an external document is indexed and managed by the document manager 21. Since the document is an 'external' document, it is understood that the document is saved remotely to the document manager, or local to the requestor (in this case, the client computer 22). By temporarily copying the document to the document manager, the processor of the requestor is sending indexing information related to the document.

In regards to claim 19, applicant argues that the prior art does not teach that the RFQ generator is at the requestor. As is discussed in the rejection, supra, this is obvious (see above for full explanation).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARRIE A. STRODER whose telephone number is (571)270-7119. The examiner can normally be reached on Monday - Thursday 8:00 a.m. - 5:00 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan Mooneyham can be reached on (571)272-6805. The fax phone number for the



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organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CARRIE A. STRODER/  
Examiner, Art Unit 3689

/Janice A. Mooneyham/  
Supervisory Patent Examiner, Art Unit 3689